

1 VENABLE LLP
2 Frank C. Cimino, Jr. (*pro hac vice*)
3 FCCimino@venable.com
4 Megan S. Woodworth (*pro hac vice*)
5 MSWoodworth@venable.com
6 Charles J. Monterio, Jr. (*pro hac vice*)
7 CJMonterio@venable.com
8 600 Massachusetts Ave., NW
9 Washington, D.C. 20001
10 Telephone: (202) 344-4000
11 Facsimile: (202) 344-8300

12 William A. Hector (SBN 298490)
13 WAHector@venable.com
14 101 California Street, Suite 3800
15 San Francisco, CA 94111
16 Telephone: (415) 653-3750
17 Facsimile: (415) 653-3755

18 *Attorneys for Plaintiff*
19 *Viavi Solutions Inc.*

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1 Plaintiff Viavi Solutions Inc. (“Viavi”) and Defendant Platinum Technology Inc.
 2 (“PTOT”) respectfully stipulate to the following agreement regarding Paragraph 8 (the patent
 3 prosecution bar) of the Protective Order: the resulting language will allow Viavi’s litigation
 4 counsel to participate in IPR proceedings, with the exception that litigation counsel should not be
 5 involved in the drafting and amending of claims. To that end, the parties agree to the following
 6 language:

7 Any counsel who has reviewed information designated **HIGHLY**
 8 **CONFIDENTIAL – ATTORNEYS’ EYES ONLY** under the Protective Order is
 9 permitted to participate in post-grant proceedings (i.e., patent challenging
 10 proceedings) before any domestic or foreign agency (including, but not limited to,
 11 inter partes review (IPR), post-grant review, a reissue protest, an opposition before
 12 a foreign agency, ex parte reexamination or inter partes reexamination), but may
 13 not participate in drafting or amending claims as part of those proceedings.

14 The above language applies to the second to last sentence of Viavi’s and PTOT’s Paragraph
 15 8 of the Protective Order. Dkt. Nos. 39, 41, 42, 43. The parties’ positions regarding the remaining
 16 disputed portions of Paragraph 8 of the Protective Order remain unchanged in advance of the
 17 February 2, 2021, hearing. *Id.*

18 Dated: February 1, 2021 By:
 19

20 GREENBERG TRAURIG, LLP

21 /s/ David S. Bloch
 22 David S. Bloch (SBN 184530)
 blochd@gtlaw.com
 23 GREENBERG TRAURIG, LLP
 4 Embarcadero Center, Suite 3000
 San Francisco, CA 94111-5983
 Telephone: 415.655.1271
 Facsimile: 415.520.5609

24
 25 Vivian S. Kuo (pro hac vice)
 kuov@gtlaw.com
 Andrew Sommer (pro hac vice)
 sommera@gtlaw.com
 26 GREENBERG TRAURIG, LLP
 2101 L Street, NW, Suite 1000

VENABLE LLP

27 /s/ William A. Hector
 28 Frank C. Cimino, Jr. (*pro hac vice*)
 FCCimino@venable.com
 Megan S. Woodworth (*pro hac vice*)
 MSWoodworth@venable.com
 Charles J. Monterio, Jr. (*pro hac vice*)
 CJMonterio@venable.com
 600 Massachusetts Avenue, NW
 Washington, D.C. 20001
 Telephone: (202) 344-4569
 Facsimile: (202) 344-8300

William A. Hector
 WAHector@venable.com
 101 California Street, Suite 3800

1 Washington, DC 20037
2 Telephone: 202.331.3100
3 Facsimile: 202.261.4747

San Francisco, CA 94111
Telephone: (415) 653-3738
Facsimile: (415) 653-3755

4
5
6 *Attorneys for Defendant Platinum
7 Optics Technology Inc.*

8 *Attorneys for Viavi Solutions Inc.*

9
10 **ATTESTATION REGARDING SIGNATURES**

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15 Counsel for Viavi hereby attests by signature below that concurrence in the filing of this
16 document was obtained from counsel for Platinum Optics Technology Inc..

17 DATED: February 1, 2021

18 VENABLE LLP

19
20 */s/ William A. Hector*
21 William A. Hector

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27
28 *Attorney for Plaintiff Viavi Solutions Inc.*

14 **CERTIFICATE OF SERVICE**

15
16 The undersigned certifies that on this day, February 1, 2021, the following documents
17 were served electronically, via ECF, on all counsel of record registered to receive ECF
18 notifications in this case.

19 DATED: February 1, 2021

20 VENABLE LLP

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28 */s/ William A. Hector*
29 William A. Hector

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38 *Attorney for Plaintiff Viavi Solutions Inc.*

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

3 Any counsel who has reviewed information designated **HIGHLY CONFIDENTIAL –**
4 **ATTORNEYS' EYES ONLY** under the Protective Order is permitted to participate in post-grant
5 proceedings (i.e., patent challenging proceedings) before any domestic or foreign agency
6 (including, but not limited to, inter partes review (IPR), post-grant review, a reissue protest, an
7 opposition before a foreign agency, ex parte reexamination or inter partes reexamination). Any
8 counsel who has reviewed information designated **HIGHLY CONFIDENTIAL – ATTORNEYS'**
9 **EYES ONLY** may not participate in drafting or amending claims as part of the proceedings
10 before a domestic or foreign agency.

12 || Dated:

The Honorable Susan van Kuelen
United States District Court Judge